

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER VIA-3
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 09/700167
INTERNATIONAL APPLICATION NO. PCT/US00/02126	INTERNATIONAL FILING DATE 27 January 2000	PRIORITY DATE CLAIMED 27 January 1999
TITLE OF INVENTION Cardiac Valve Procedure Methods And Devices		
APPLICANT(S) FOR DO/EO/US Gregory H. Lambrecht et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). 4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input checked="" type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
Items 11. to 16. below concern document(s) or information included:		
<ol style="list-style-type: none"> 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 14. <input type="checkbox"/> A substitute specification. 15. <input checked="" type="checkbox"/> A change of power of attorney and/or address letter. 16. <input type="checkbox"/> Other items or information: 		

US APPLICATION NO. if known (if PCT) 09/700167		INTERNATIONAL APPLICATION NO. PCT/US00/02126	ATTORNEY'S DOCKET NUMBER VIA-3
17. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5) :			
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$970.00			
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$840.00			
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$690.00			
International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$670.00			
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$96.00			
ENTER APPROPRIATE BASIC FEE AMOUNT =			
\$ 690.00			
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).			
\$			
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	49 - 20 =	29	X \$18.00
Independent claims	31 - 3 =	28	X \$80.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+\$270.00	
TOTAL OF ABOVE CALCULATIONS =			
\$ 3452.00			
Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).			
\$ 1726.00			
SUBTOTAL =			
\$ 1726.00			
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			
+			
TOTAL NATIONAL FEE =			
\$ 1726.00			
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			
+			
TOTAL FEES ENCLOSED =			
\$ 1766.00			
Amount to be: refunded charged			
\$			
a. <input checked="" type="checkbox"/>	A check in the amount of \$ 1421.00 to cover the above fees is enclosed.		
b. <input type="checkbox"/>	Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.		
c. <input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.		
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.			
SEND ALL CORRESPONDENCE TO:			
James A. Sheridan Pandiscio & Pandiscio 470 Totten Pond Road Waltham, MA 02451-1914			
 SIGNATURE: James A. Sheridan NAME 43,114			
REGISTRATION NUMBER			

09/700167
526 Rec'd PCT/PTO 09 NOV 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gregory H. Lambrecht et al.
For: Cardiac Valve Procedure Methods And Devices
Attorney's Docket No.: VIA-3

Date:

BOX PCT
Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached patent application is being filed under the provisions of 37 CFR 1.10.

Applicants hereby claim priority benefits under Title 35, United States Code, Section 119, of PCT Patent Application No. PCT/US00/02126, filed 27 January 2000, and U.S. Patent Applications Nos. 60/177,599, filed 27 January 1999; 60/152,135, filed 25 August 1999; and 60/161,934, filed 28 October 1999, in the United States.

Applicants' attorney is also submitting the requisite fee as calculated on the attached transmittal letter.

"EXPRESS MAIL" MAILING LABEL NUMBER EK830404252US

DATE OF DEPOSIT November 09, 2000

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL, POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

James A. Sheridan

(PERSON MAILING)

(SIGNATURE)

Respectfully submitted,

James A. Sheridan 11/09/00

James A. Sheridan
Reg. No. 43,114
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02451-1914
(781) 290-0060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gregory H. Lambrecht et al.
For: Cardiac Valve Procedure Methods And Devices
Attorney's Docket No.: VIA-3

Date:

BOX PCT
Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

SUBMISSION OF PATENT APPLICATION TO ENTER
THE NATIONAL STAGE UNDER 35 U.S.C. 371

The attached International Application No. PCT/US00/02126 is being submitted to enter the United States national stage under the provisions of 35 U.S.C. 371.

In addition, Applicants are submitting the following materials:

- (1) a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371;
- (2) a Filing Of Patent Application Under 37 CFR 1.10, including a claim for priority benefits under Title 35, United States Code, Section 119, of PCT Patent Application No. PCT/US00/02126, filed 27 January 2000, and U.S. Patent Applications Nos. 60,177,599, filed 27 January 1999; 60/152,135, filed 25 August 1999; and 60/161,934, filed 28 October 1999;
- (3) a Declaration and Power of Attorney;
- (4) a Small Business Entity Verified Statement;
- (5) an Assignment, together with a Recordation Form Cover Sheet;
- (6) a copy of the International application as filed;
- (7) a copy of the formal drawings;
- (8) a copy of the original PCT request;

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(9) a copy of the International Search Report prepared by the United States Patent Office;

(10) a Preliminary Amendment;

(11) an Information Disclosure Statement, together with Form PTO-1449 (one page) and copies of the cited references; and

(12) a check in the amount of \$1421.00 in payment of the application fees.

Please direct all communications in this matter to the undersigned attorney.

Thank you.

EXPRESS MAIL® MAILING LABEL NUMBER EK830404252 US

DATE OF DEPOSIT November 09, 2000

Respectfully submitted,

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

James A. Sheridan 11/09/2000

James A Sheridan

Reg. No. 43,114

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470 Totten Pond Road

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Tel. (781) 290-0060

James A. Sheridan

(PERSON MAILING)

James A. Sheridan 11/09/00

(SIGNATURE)

jas/pctnat
fornattr.ltr

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gregory H. Lambrecht et al.
For: CARDIAC VALVE PROCEDURE METHODS AND
DEVICES
Attorney's Docket No.: VIA-3

Assistant Commissioner For Patents
Washington, D.C. 20231

VERIFIED STATEMENT CLAIMING SMALL BUSINESS ENTITY STATUS

The undersigned, Todd Davenport, hereby declares that he is Chairman, CEO, and President of VIACOR, Inc., a Delaware corporation having a principal place of business at 66-H Concord Street, Wilmington, Massachusetts 01887, and is empowered to act on behalf of said corporation in this matter; that said corporation qualifies as a small business concern as defined in 13 C.F.R. 121.3-18 for purposes of paying reduced fees under Title 35, United States Code, Sections 41(a) and (b), in that the number of employees of said corporation, including those of its affiliates, does not exceed 500 persons; and that on information and belief, exclusive rights under contract have been conveyed to and remain in said corporation with regard to the invention described and claimed in the above-identified U.S. patent application

For purposes of this statement, the number of employees of said corporation is the average over the previous fiscal year of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application, any patent issuing thereon, or any patent to which this verified statement is directed.

VIACOR, Inc.

10/19/00
Date


Todd Davenport
Chairman, CEO, and President